

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of)	
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Richard N. Cameron et al.)	Examiner: Oger Garcia Ade
)	
Application No. 09/840,477)	Art Unit: 3627
)	
Filed: April 23, 2001)	Attorney Docket: 005222.00319
)	
For: METHOD AND SYSTEM FOR A)	
WIRELESS UNIVERSAL MOBILE)	
PRODUCT INTERFACE)	

PRE-APPEAL BRIEF REQUEST FOR REVIEW
And
REQUEST FOR ONE-MONTH EXTENSION OF TIME

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U.S. Patent and Trademark Office
Customer Service Window
Randolph Building
401 Dulany Street
Alexandria, VA 22314

Sir:

Applicants respectfully request review of the final rejection in the above-identified application. No amendments are being filed with this request. This request is being filed with a Notice of Appeal. The review is requested for the reasons stated in the below remarks. A one-month extension is also requested (per the Advisory Action of October 30, 2008, the Shortened Statutory Period expired on November 30, which was a Sunday). Any additional required extensions are also hereby requested, and please charge all fees required at this time to Deposit Account No. 19-0733.

Remarks

Having received and reviewed the final Office Action dated July 11, 2008, and subsequent Advisory Action dated October 30, Applicant respectfully submits that the standing rejections are based on one or more clear errors, and that the appeal process can be avoided through a pre-appeal brief review as set forth in the Official Gazette notice of July 12, 2005.

The pending rejections fail to address all the claim limitations, and exhibit clear factual and legal errors with respect to the cited references. Several of these errors are highlighted in the section below.

Independent claim 7 recites “transmission of a program to take control of a wireless mobile device's menuing, interaction and display functions to extend the vendor device's display interface to said mobile device ... automatically when the wireless mobile device enters a transmission range of the wireless transmission channel port.”

The rejection of this claim fails to identify the vendor device display interface that is allegedly extended to a mobile device in the cited references. In the rejection, the Office relies on a short business article (“ASAP to Enable E-commerce Companies to go WAP!”, Business Editors and High-Tech Writers, Business Wire, New York, Mar. 7, 2000) for this program. That article discusses how more and more cell phones are able to access the Internet these days. The article quotes a company CEO as saying “[i]n Finland, you can actually pay your bills by going online with your cell phone. You can even buy a can of coke from a vending machine, all with your cell phone.” Business, Abstract, and p. 2. That is it. The article does not elaborate on that CEO's quotation, or on how the can of coke is purchased, and does not go into detail on any vendor device interface or extension.

Although the Advisory Action has refused Applicants' prior request to specifically identify the alleged vendor device display in the rejection, Applicants can envision two possible vendor devices that could have been intended in the rejection: 1) the vending machine's own display; and 2) the Internet page server for the company selling the coke from the vending machine. Neither of these potential “vendor devices” satisfies the recited claim features, even in the combination with the other reference¹.

Assuming, *arguendo*, that the Office intended to allege that the vending machine's own display is extended to the cell phone, such an allegation would clearly be factually erroneous. There is no discussion of that vending machine extending its interface to the cell phone. Indeed, there is no discussion of any communications at all between the vending machine and the cell phone. There is just that single quoted sentence (“You can even buy a can of coke from a vending machine, all with your cell phone.”). Since the rest of the article discusses cell phones

¹ Shore, U.S. Patent Application Publication No. 2003/0149662, which the Office concedes fails to show the recited program.

using WAP (Wireless Application Protocol) to communicate with the Internet, and not with vending machines, it would be factually erroneous to conclude that this article is somehow describing the vending machine extending its interface to the cell phone, particularly in the manner recited.

Assuming, *arguendo*, that the Office intended to allege that the Internet page server for the company selling the coke was the “vendor device,” and that the server’s web page is “extended” to the cell phone, then that allegation would be in clear error as well. That alleged extension is not performed “automatically when the wireless mobile device enters a transmission range of the wireless transmission channel port,” as recited.

The other independent claim, claim 69, recites similar language to that discussed above with respect to claim 7, and to the extent the language is the same, claim 69 is similarly distinguishable.

While Applicants believe the above points represent clear errors made by the Office, Applicants reserve the right to appeal on other bases and errors. In addition, Applicants believe the rejections of other claims not identified above are also based on one or more Office errors. Applicants will address such issues on appeal should the appeal of this case proceed after the Office’s consideration of this paper.

CONCLUSION

All issues having been addressed, Applicants respectfully submit that the instant application is in condition for allowance, and respectfully solicits prompt notification of the same. However, if for any reason the review panel believes the application is not in condition for allowance or there are any questions, the review panel is invited to contact the undersigned at (202) 824-3154.

Respectfully submitted,

Date: December 1, 2008

/Steve Chang/
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